

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 95-1931

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

EIGHT FIREARMS; ONE BALLAST WITH REFLECTOR AND
SODIUM BULB,

Defendants - Appellees,

FREDERICK JAMES DEXTER,

Party in Interest - Appellant.

Appeal from the United States District Court for the Southern District of West Virginia, at Charleston. Charles H. Haden II, Chief District Judge. (CA-94-980-2)

Submitted: July 30, 1996

Decided: August 27, 1996

Before NIEMEYER and MICHAEL, Circuit Judges, and BUTZNER, Senior Circuit Judge.

Affirmed by unpublished per curiam opinion.

Frederick James Dexter, Appellant Pro Se. Betty Adkins Pullin, Assistant United States Attorney, Charleston, West Virginia, for Appellees.

Unpublished opinions are not binding precedent in this circuit. See Local Rule 36(c).

PER CURIAM:

Appellant appeals from the district court's judgment granting the government's summary judgment motion and ordering the forfeiture of Appellant's property. We have reviewed the record and the district court's opinion accepting the magistrate judge's recommendation and find no reversible error in the district court's denial of relief on Appellant's Eighth Amendment, Fourth Amendment, and due process claims. Accordingly, we affirm on the reasoning of the district court. United States v. Eight Firearms, No. CA-94-980-2 (S.D.W. Va. Apr. 10, 1995). As to Appellant's claim that the forfeiture of his property violated the Double Jeopardy Clause, we affirm. See United States v. Ursery, ___ U.S. ___, 64 U.S.L.W. 4565 (U.S. June 24, 1996) (Nos. 95-345, 95-346). We deny Appellant's motion to appoint counsel and dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

AFFIRMED